

From: Ed Brown
To: Mohr, Jason
Subject: Water Supply Comments
Date: Thursday, August 11, 2016 12:03:02 PM

Dear Jason,

Water is a precious resource. Water belongs to all of us and we need to be prudent in its management. Montana needs to stop giving away water to special interests. Our resources need managed sensibly.

I favor LCwp20

I oppose LCwp07 which does not protect our water sources.

Sincerely,

Ed Brown

Edward Brown, Investment Advisor Representative
Voya Financial Advisors, Inc.
108 Passage CT
Missoula, MT 59803
P 406-542-3148
C 406-544-9337
F 978-418-0737

Securities and Investment advisory services
offered through Voya Financial Advisors, Inc.
Member SIPC.

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WATER POLICY INTERIM
COMMITTEE 2015-16

August 29, 2016

Exhibit 13

From: Judy Butler

To: Mohr, Jason

Subject: Water Supply Comments

Date: Wednesday, August 10, 2016 10:23:52 AM

Protect our water resource. I FAVOR LCwp20, which treats our water responsibly and provides reasonable avenues for new growth. I OPPOSE LCwp07, which upholds an illegal rule, does not protect our water resources, is unfair, and harms senior water rights holders.

Judy Butler

140 Monarch View

Hope Idaho (just over the line!)

Sent from my iPad

From: elaine caton and tim swanberg

To: Mohr, Jason

Subject: Water Supply Comments

Date: Wednesday, August 10, 2016 12:32:30 PM

Dear Jason,

I am writing with concerns about the attempts by developers and other special interests to take

water rights illegally. Water is such a valuable resource for everyone in Montana, and we must use extreme care in how it is allocated. I want to express my support for LCwp20, which provides reasonable allocations for growth. I **oppose** LCwp07, which does not protect our precious water resources and harms senior water rights holders.

Sincerely,

Elaine Caton

Ovando, MT

From: Amy Chadwick
To: Mohr, Jason
Subject: Water Supply Comments
Date: Wednesday, August 10, 2016 12:14:15 PM

Dear Mr. Mohr,

With all indicators pointing toward increasing drought and less certain water supply in Montana in future years, Montana needs to protect our water resources, the most critical resource we have. We need to prevent special interests and speculators only concerned with the short-term from endangering Montana's future. **I FAVOR LCwp20**, which treats our water responsibly and provides reasonable avenues for new growth. **I OPPOSE LCwp07**, which upholds an illegal rule, does not protect our water resources, is unfair, and harms senior water rights holders. Please **support LCwp20**.

Sincerely,

Amy Chadwick
Water Resources Consultant
Missoula, Montana

From: Alison Cobb

To: Mohr, Jason

Subject: Water Supply Comments

Date: Wednesday, August 10, 2016 10:19:03 AM

I am writing to urge you to protect Montana water resources. I favor LCwp20 and oppose LCwp07. We need to manage water in sensible ways, not give it away to special interests.

Thank you,

Alison Cobb

Alison Cobb, PhD

121 Psychotherapy, PLLC

121 Hickory Street, Suite 1

Missoula, MT 59801

406.830.3069 phone

406.830.3105 fax

alisoncobb.com

From: Lee Coble

To: Mohr, Jason

Subject: Water Supply Comments

Date: Wednesday, August 10, 2016 12:43:07 PM

Hi Jason,

This letter is in support of protecting our water resources. WE need to protect this precious resource and manage it in a responsible way. Montana needs to stop giving away water to special interests and start sensibly managing precious water resources. I FAVOR LCwp20, which treats our water responsibly and provides reasonable avenues for new growth. I OPPOSE LCwp07, which upholds an illegal rule, does not protect our water resources, is unfair, and harms senior water rights holders.

Sincerely, Lee Coble

From: jndibari@yahoo.com

To: Mohr, Jason

Subject: Water supply comments

Date: Wednesday, August 10, 2016 1:30:40 PM

I write in favor of LCWP20 and in opposition to LCWP07.

It is unsustainable to continue to draw water from closed basins to feed the insatiable appetite of development. Policy must be developed to protect water resources and maintain existing water rights.

Thanks,

John DiBari

Sent from Mail for Windows 10

From: Dan Dills

To: Mohr, Jason

Subject: Water Supply Comments

Date: Wednesday, August 10, 2016 11:26:33 AM

Although I reside in Virginia, I have fished the Clark Fork and other waters in Montana. I love

Montana.

As I understand it, Montana is essentially giving away their precious water resource to some special

interest groups. I favor LCwp20 which I believe treats water responsibly and Oppose LCwp07 which

does not protect these water resources.

Regards,

Dan Dills

D a n D i l l s

D i l l s a r c h i t e c t s

1432 N. Great Neck Road, Suite 204 Virginia Beach, VA 23454

o 757 496 4926 f 757 496 5037

From: Dana Eisenberg

To: Mohr, Jason

Subject: Water Supply Comments

Date: Wednesday, August 10, 2016 10:14:06 AM

Our water resources in Montana belong to all of us, not special interest groups and those only wishing to make money off our watersheds. We need laws and rules that make this into a reality and manage our water resources with that in mind.

Therefore, I **FAVOR LCwp20**, which treats our water responsibly and provides reasonable avenues for new growth. I **OPPOSE LCwp07**, which upholds an illegal rule, does not protect our water resources, is unfair, and harms senior water rights holders.

Thank-you,

Dana Eisenberg

--

Dana Eisenberg

Licensed Clinical Social Worker

TRI Master Trainer

ACE Presenter

"See the light in others and treat them as if that is all you see."

From: Mark Faroni

To: Mohr, Jason

Subject: Water Supply Comments

Date: Monday, August 15, 2016 6:36:02 AM

As a native Montanan my entire life (56 years) I strongly urge you to oppose LCwp07 and support LCwp20. Thank you for your consideration.

Mark Faroni

Dixon, MT

From: Tom France

To: Mohr, Jason

Cc: Sarah Bates; knudsen, karen

Subject: Subdivision water loophole

Date: Wednesday, August 10, 2016 10:57:12 AM

I am deeply concerned to hear that the Montana Legislature's interim water policy committee is considering a bill that would allow developers to committee avoid the permitting all new wells – LCwp07. Water is our most valuable resource and it is only growing more valuable. Now is not the time to be giving it away without the full review and without fully protecting senior water right holders. I strongly support LCwp20 which treats our water responsibly and provides reasonable avenues for new growth.

Tom France

Regional Executive Director

National Wildlife Federation

240 N. Higgins

Missoula, MT 59802

france@nwf.org

406-541-6706 (O)

406-396-5085 (C)

From: Sarah Halvorson

To: Mohr, Jason

Subject: Comments on Water Supply

Date: Thursday, August 11, 2016 12:36:05 AM

Hello Jason,

I am writing to share comments regarding pending bills. Montana policy allows for the giving of water to special interests. I would like to encourage that the State sensibly manage our precious water resources and plan appropriately for future uncertainty. **I FAVOR LCwp20**, which treats our water responsibly and provides reasonable avenues for new growth. **I OPPOSE LCwp07**, which upholds an illegal rule, does not protect our water resources, is unfair, and harms senior water rights holders.

Thank you for your attention to these comments.

Best regards,

Sarah J. Halvorson

From: Julie Hiett
To: Mohr, Jason
Subject: Water Supply Comments
Date: Wednesday, August 10, 2016 10:32:05 AM

Mr. Mohr,

Full disclosure, I am a bookkeeper at the Clark Fork Coalition (you may have heard of us). I may not

be a scientist, but I work with scientists and legal professionals who are smart, experienced, and

knowledgeable specialists who KNOW something about this issue. And that's why I'm in **FAVOR of**

LCwp20, because it treats our water responsibly and provides reasonable avenues for new growth. We are not living in the 19th century, but the 20th century with climate change and stresses

on our rivers never seen before. Please take responsible and smart action and get this legislation

passed. Don't cave in to special interest groups who are shortsighted and don't care what's right for

the community at large. Seriously, everyone loses if we don't act now.

So obviously I **OPPOSE LCWP07**. Thank you for representing your community in the great State of

Montana.

Regards,

Julie Hiett

262 Rimrock Way

Missoula, MT 59803

1.

To whom it may Concern,

Hello, I am emailing you to speak forth my approval and support for coming legislation LCwp20 as we are in a time of great need to protect our water resources and to keep them free and clear of special interests. We dont have any time to loose when it comes to turning around the corporate take over of our precious resources. The same goes for protecting water from mining companys. It's obvious that with so many states dealing with this issue just like us, it's time for us to act! Thank you for your support of this as well.

I also wanted to voice my opinion and say that i oppose LCwp07. The same goes for this one. if we don't protect what we have now, we will be dooming future generations to clean up our mess. I am 27 and am very aware of the travesty that lies in our laps. Please make the right choice when thinking about our water. Thank you for your time <3

We are all in this together!

-Drew

From: Drew Holman

To: Mohr, Jason

Subject: Water Supply Comments

Date: Wednesday, August 10, 2016 3:48:23 PM

From: Kit Fischer

To: Mohr, Jason

Subject: Water Supply Comments

Date: Wednesday, August 10, 2016 10:37:22 AM

To Whom it May Concern:

Montana needs to stop giving away our water to special interests and needs to begin sensibly managing our resources for the future. I oppose LCwp07, which does not protect our water resources is unfair and hurts senior water rights holders. I favor LCwp20 which plans for acceptable growth and use. Let's be smart about our water if we want to enjoy a healthy environment in the future.

Thanks,

Kit Fischer

116 Sentinel St.

Missoula, MT

59801

From: chilipepy@aol.com

To: Mohr, Jason

Subject: WATER SUPPLY COMMENTS

Date: Wednesday, August 10, 2016 10:48:29 AM

Please STOP Montana giving away water to special interests and PLEASE start sensibly managing precious water resources.

Our small farm has a water priority date of 1887. We are the first to file a Stream Depletion Zone and have it adopted but yet the DNRC continues to give our precious water away. Our farm is dying a slow death! **I FAVOR LCwp20.**

Thank you,

Nancy Ince, Jeffery Ince, Leonard Skarvan, North Fork Rye Ranch

From: Bert Lindler

To: Mohr, Jason

Subject: Water Supply Comments--Please Support LCwp20

Date: Wednesday, August 10, 2016 6:21:11 PM

Dear WPIC Member,

Our aquifers deserve LCwp20's careful approach to individual water wells and their effects rather than LCwp07's approach that could end up permitting a thousand straws (wells in this case) sucking from the same aquifer.

Please support LCwp20.

Thanks,

Bert Lindler

2523 Klondike Court

Missoula, MT

From: Heather Mullee
To: Mohr, Jason
Subject: Comments on Water Supply
Date: Wednesday, August 10, 2016 2:03:53 PM

Dear Jason,

It's come to my attention that the "exempt well" issue is coming up again and some of the checks and balances that it afforded may go by the wayside. I am adamantly against LCwp07 as it could move the needle backwards for water resources.

Water is the most important resource we have, and we must be smart and consistent with the way we manage our water resources. We absolutely need to be mindful of how many collective users are pulling from a nearby water supply. I am in full support of LCwp20 and the opportunity it affords to take better stock of current and future use and demand so that we can plan sensibly for growth.

Thank you for your time.

Heather Barber
Hamilton

From: Alison Mynsberge
To: cvvincent@hotmail.com
Cc: Mohr, Jason
Subject: Sensibly manage Montana's limited water
Date: Friday, August 12, 2016 8:10:54 AM

Sen. Vincent,

Please oppose LCwp07. No one wins when wells start going dry, and if that can happen in places like Wisconsin, it can certainly happen in Montana, which receives so much less rainfall. Please support legislation that provides reasonable regulations on groundwater use so no one has to worry about their wells going dry when a new development goes in nearby.

Thank you for your support of the Cabinet Mountains region.

Sincerely,

Alison Mynsberge

From: Ryen Neudecker

To: Mohr, Jason

Subject: Water Supply Comments

Date: Wednesday, August 10, 2016 10:10:46 AM

I FAVOR LCwp20, which treats our water responsibly and provides reasonable avenues for new growth. **I OPPOSE LCwp07**, which upholds an illegal rule, does not protect our water resources, is unfair, and harms senior water rights holders.

Sincerely,

Ryen

Ryen Neudecker

Big Blackfoot Chapter of Trout Unlimited

406.240.4824

<http://bbctu.org>

ryen@montanatu.org

From: Carolyn Pardini

To: Mohr, Jason

Subject: Water Supply Comments

Date: Monday, August 15, 2016 10:22:32 AM

Montana needs to stop giving away water to special interests and start sensibly managing precious water resources. **I FAVOR LCwp20**, which treats our water responsibly and provides reasonable avenues for new growth. **I OPPOSE LCwp07**, which upholds an illegal rule, does not protect our water resources, is unfair, and harms senior water rights holders.

--

Carolyn Pardini

Grade 4 teacher

Pablo School,

676-3390 ext 7706

From: kitte robins

To: Mohr, Jason

Subject: Water Supply Comments

Date: Wednesday, August 10, 2016 9:04:19 PM

I am concerned about the use of one of Montana's most precious resource, water. The demands from all kinds of sources, legal and illegal, and outside pressures will test the mettle of those who have control over the rules.

This isn't only about the present, but the future of the state.

I FAVOR LCwp20, which treats our water responsibly and provides reasonable avenues for new growth. **I OPPOSE LCwp07**, which upholds an illegal rule, Please consider the long term outcome of your actions. Water is our most precious resource along with the resource of the people of this State.

Please do the right thing.

Mary K Robins registered voter

From: mark stergios

To: Mohr, Jason

Subject: Water Supply Comments

Date: Thursday, August 11, 2016 2:02:10 PM

Come on Jason. How many times is this wart coming back? Cut it off forever. Thanks ..Mark Stergios

BLOOMQUIST LAW FIRM, P.C.

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Abigail J. St. Lawrence
Rachel K. Meredith
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August 12, 2016

Water Policy Interim Committee
PO Box 201704
Helena, MT 59620

Via email only: jasonmohr@mt.gov

RE: Future of Water Court Comments and Comments on LCwp07 and LCwp20

Dear Chair Hamlett and Committee Members:

Thank you for the opportunity to comment on bill drafts currently under consideration by the Water Policy Interim Committee ("WPIC"). These comments are provided on behalf of the Montana Association of REALTORS® ("MAR") and the Montana Building Industry Association ("MBIA"), both of which have been active participants in the work of WPIC throughout the 2015-2016 interim. Water use, and particularly the permitting process for new water rights and changes to existing water rights, are of vital interest to MAR and MBIA, as members of both associations regularly avail themselves of such processes as they work to provide housing to all Montanans and help grow our state economically.

As you are aware, WPIC in particular and the legislature in general have been dealing for quite some time with the issue of exempt wells and especially what the appropriate definition of "combined appropriation" should be. As Chair Hamlett pointed out to the committee at a recent meeting, much of the current controversy over the meaning of "combined appropriation" resulted because the legislature has not definitively spoken on the issue, and even when the legislature did pass a statutory definition of "combined appropriation" in 2013 with SB 19, that effort was vetoed. WPIC now has before it two draft bills to address the meaning of "combined appropriation," LCwp07 and LCwp20. These two draft bills are, as the committee has recognized, fundamentally incompatible—either one moves forward or the other does, but it makes little sense to advance both. MAR and MBIA support LCwp07 as the codification of the long-standing definition of "combined appropriation" that was predictable and relatively easy to administer. The definition of "combined appropriation" suggested in LCwp20 perpetuates the same definition that was rejected by the Department of Natural Resources and Conservation ("DNRC") in 1993 as difficult to administer and requiring too much interpretation by the department. With the 2014 decision from Judge Sherlock temporarily re-instituting the language contained in LCwp20 and the resulting two multi-page guidance documents issued by DNRC to assist water users, the complications of administering the definition of "combined appropriation" contained in LCwp20 have once again revealed themselves.

In addition to draft bills addressing the definition of "combined appropriation," under the heading of "Future of the Water Court," WPIC is considering LCwp03, LCwp04, and LCwp11. MAR and MBIA wish to provide comment on LCwp03 and LCwp04. MAR also has relevant comment on LCwp11.

LCwp03 would definitively codify in statute that a change in irrigation method is not a change in a water right that requires a change authorization from DNRC. As the committee has heard from water right holders who have considered or actually gone through the change application process, although DNRC is not supposed to subject changes in irrigation method to analysis under the change process, when a change in irrigation method accompanies another change, such as a change in the place of use or point of diversion, which does require a change authorization, DNRC often takes that opportunity to evaluate consumptive and historical use as it relates to irrigation methods. This analysis may result in a permanent reduction in a water right.

MAR and MBIA are concerned with analysis under the change application process that may reduce a water right because MAR and MBIA members often work with existing water right holders to change water rights for mitigation purposes. When changes in irrigation methods occur, that may result in a water savings, and that savings may then be applied to mitigation purposes. However, existing water right holders are hesitant to change portions of their water rights to mitigation when they may face a reduction in the overall water right. MAR and MBIA are hopeful that the clarification provided by LCwp03 will alleviate that concern and open up more water rights for mitigation purposes.

LCwp04 applies to both the change and new permit application processes and would allow for private negotiations to allay concerns over potential adverse effects and provide a way for potentially affected existing water right holders to waive adverse effect analysis by DNRC. As the committee has heard in testimony, at present, there have been and continue to be situations where applicants and potentially affected parties have negotiated agreements to mitigate adverse effect, but DNRC has still denied permit applications based on the department's independent determination of adverse effect on those water rights holders who have reached negotiated settlements. LCwp04 provides a way to sidestep this unfortunate situation and clear a smoother path towards permitting while still providing adequate protections for existing water rights. One suggested change to LCwp04 concerns language on pages 14 and 46 requiring DNRC to "subsequently condition the water right to reflect the waived portion of the right affected by the exercise of that permit." This language implies that the existing water rights would be in some way permanently affected by a waiver applicable to a single application. MAR and MBIA suggest removing this language due to the potential impact on existing water rights.

Finally, MAR wishes to provide comment on LCwp11, which concerns responsibility for updates to water right ownership records and consequences for not doing so. MAR and its members realize the vital importance of an accurate database of water right ownership for all those involved in the sale and transfer of real property and associated water rights. As MAR has previously testified to the committee, MAR supports efforts to make that database as accurate as possible. However, MAR is concerned that the enforcement mechanism to ensure timely updates to ownership records provided for in LCwp11 is too extreme and requests that the committee consider another "hammer" other than termination of water rights.

Thank you again for the opportunity to provide comment on the bill drafts under consideration by WPIC. MAR and MBIA remain committed to working with committee members and other concerned parties to develop sound water policy for Montana that both protects existing users and facilitates the development for Montana's water resources to the benefit of all Montanans. If you require any further information on any of the comments provided herein, please do not hesitate to contact me. Otherwise, representatives of MAR and MBIA will attend the upcoming WPIC meeting and will be available to respond to questions.

Sincerely,



Abigail J. St. Lawrence

Cc (via email only):

Amy Fisher, Montana Association of REALTORS®
Steve Snezek, Montana Building Industry Association

3053.001.01 - PL 234920

From: traci sylte

To: Mohr, Jason

Subject: Water Supply Comments

Date: Thursday, August 11, 2016 12:22:54 PM

Jason, hello. I understand that government is torn with political pressure and often conflicting statutes. You and others have a tough job. One of the toughest is protecting our resources for the longterm and acting on behalf of the majority of citizens, not special interests no matter the pressure on you and your colleagues. I ask you to do your best for the long term, please. With your job as a public servants to Montana's citizens, like me, please work with and support LCwp20. Few people understand the interworkings as you and your staffs. Please use your knowledge and fight the political pressure to set up our future for the best means towards smart growth while protecting our water resources for future generations. You are positioned at a unique point in time as population demands are just beginning to push harder, and climate change presents so many uncertainties. Also, I clearly OPPOSE LCwp07, which upholds an illegal rule, does not protect our water resources, is unfair, and harms senior water rights holders. I hope you can too...by all that you do and stand up against.

Thank you,

Traci

From: Joseph Tenzer

To: Mohr, Jason

Subject: Water Supply Comments

Date: Sunday, August 14, 2016 4:50:10 PM

Dear Mr. Mohr: I favor LCwp20 which preserves my water rights as a senior water rights holder in a closed Basin. I believe that the DNRC interpretation of Combined Appropriation (only applies only when physically manifold) is incorrect with the meaning of the Law.

I believe that if it is used:

"Combined appropriation" means two or more wells or developed springs from the same source aquifer that are used in the same development or same place of use.

I favor LCwp20 which includes new growth uses in a reasonable way.

I Oppose LCwp07 which would harm my senior water rights and would not protect our water rights, and upholds the narrow interpretation of the DNRC present use for combined Appropriations.

(must be physically manifolded) as incorrect.

"Montana needs to stop giving away water to special interests

Joseph Tenzer

4310 Dugout Gulch Box 1089

Darby, Mt. 59829



Laura Ziemer
Senior Counsel and Water Policy Advisor

August 15, 2016

Senator Bradley Maxon Hamlett, Chair
Water Policy Interim Committee

Jason Mohr, WPIC Staff
Montana State Legislature
Water Policy Interim Committee
P.O. Box 201704
Helena, MT 59620-1704
Via e-mail to jasonmohr@mt.gov

Re: Trout Unlimited Comments on Study of Water Availability and Supply and draft bills

Dear Mr. Chairman:

Trout Unlimited (TU) has reviewed the Water Policy Interim Committee's (WPIC) draft study on the Water Availability and Supply, and the associated draft bills. We appreciate the WPIC taking a broad inventory of a wide range approaches to meeting new water demand in water-short river basins. The draft study on Water Availability and Supply does a commendable job of describing innovative and thoughtful approaches from around Montana, and putting these efforts in the context of the goals and recommendations of the 2015 Montana State Water Plan.

TU is a national coldwater conservation organization comprised of 140,000 member-conservationists committed to protecting, restoring, and sustaining coldwater fisheries. In Montana, Montana TU and its 13 chapters represent approximately 4,200 anglers dedicated to the conservation of Montana's wild and native trout. TU has been active in partnerships with ranchers to restore flows to dewatered streams and rivers, and has been an active voice in Montana water policy. TU has the following specific comments on particular issues raised by the WPIC's draft study on Water Availability and Supply, and the two associated bill drafts.

1. Science-based Evidence of the Impact of Exempt Wells.

The Water Policy Interim Committee's (WPIC) draft study on the Water Availability and Supply comments, on page 6, that the "Montana Association of Realtors presented the WPIC a commissioned study of groundwater wells, finding exempt wells cause no discernable impact on streamflows or water rights from streams." *Citing*, Nicklin Earth & Water, Inc., *Water Resources Evaluation: Water use in Closed Basins* (2016). This is an accurate summary of the Montana Association of Realtors-commissioned report, which was a basin-scale water balance

study focusing on major river basins such as the Gallatin River, Bitterroot River, and the Missouri River. The draft study on Water Availability and Supply did not otherwise comment on the study commissioned by the Montana Association of Realtors. TU takes this opportunity to put into context the conclusion of the study commissioned by the Montana Association of Realtors.

The Realtors' study focused on the overall water balance at the basin scale. Small-scale, local impacts do not show up when measuring the amount of water in and out of a river basin. In the same way, when the earth is viewed from space, most small cities and towns are not visible. This does not mean that the town of Bozeman does not exist, but rather that Bozeman does not come into view when viewed at that broad scale.

The Horse Creek Water Users were among the people who petitioned the Montana Department of Natural Resources and Conservation (DNRC), claiming that the DNRC's unexplained repeal of the agency's original rule implementing the exempt-well statute was arbitrary. The Horse Creek Water Users were concerned about the impact of an exempt-well subdivision on their senior surface water rights. It turns out that they had good reason to be concerned, because the DNRC's own hydrologic study confirmed their fears: Ground Water Conditions at the Horse Creek Temporary Controlled Ground Water Area, by Montana Department of Natural Resources and Conservation, (April 2009). (http://dnrc.mt.gov/divisions/water/water-rights/docs/cgwa/horse_creek_report.pdf (accessed January 12, 2016)). The DNRC's study is some of the most hydrologically-precise evidence in the record now before the Montana Supreme Court in their review of the Horse Creek Water Users' original petition, and the 2014 district court ruling by Judge Sherlock.

The Horse Creek Water Users were concerned about new stream depletions from a 65-lot subdivision near Horse Creek. The DNRC's 2009 study of the Horse Creek watershed found that under worst case assumptions, springs in the Horse Creek Drainage could dry up and average annual flows in Horse Creek could be reduced by 25 percent during dry years upon full build-out of the Crow Chief Meadows exempt-well subdivision. Ground Water Conditions at the Horse Creek Temporary Controlled Ground Water Area, (DNRC 2009) at 20. Because Horse Creek is fully appropriated by existing water right claims senior to the permit-exempt wells, even depletion of Horse Creek flows by less than 25% would harm the senior water users in Horse Creek Water Users.

The DNRC's 2009 study demonstrates that relatively small exempt-well uses like that of a just one 65-lot subdivision can have serious and measurable localized impacts to senior water rights and streamflows. Dry springs and a 25% reduction in creek flow, as found by the DNRC to be a likely consequence of the subdivision at full build-out, are not trivial or imperceptible impacts to the senior water users on Horse Creek even though the impacts might not be apparent at a basin scale.

2. The Cumulative Impact of Exempt Wells Should Be Mitigated.

The DNRC's 2009 study of Horse Creek also underscores another important point about permit-exempt wells. Just one well would not reduce flows by 25% in Horse Creek. Rather, it was the cumulative impact of 65 exempt wells pumping groundwater in a dry year that would cause a measurable, significant impact on surface flows.

TU's interest is in protecting senior surface rights from the cumulative impacts of exempt wells so that places like Horse Creek do not have their springs go dry and flows reduced by 25% in a dry year. There are two bills addressing exempt wells before the WPIC. One bill addresses cumulative impacts from exempt wells, and the other does not.

LCwp07 does not address the cumulative impact of exempt wells. Under LCwp07, only wells pumping 35 gallons per minute (gpm) or less that are physically connected have to go through water rights permitting. LCwp07 would not protect the senior water rights of the Horse Creek Water Users.

LCwp20 does address the cumulative impact of exempt wells. Under LCwp20, wells pumping 35 gpm or less that are part of a single project or development have to go through water rights permitting if collectively they pump more than 35 gpm or 10 acre-feet per year. If LCwp20 had been in place, the Horse Creek Water Users would have been able to ask for mitigation of the effects of the 65 permit-exempt wells in the Crow Chief Meadows subdivision on their senior water rights.

Because LCwp20 provides protection to senior water rights by requiring that the cumulative impact of permit-exempt wells be addressed in the water rights permitting process, TU supports LCwp20. While a basin-scale assessment of impacts of exempt wells is not designed to detect streamflow depletions at a localized level, the impacts of exempt wells to water users on small streams and rivers across Montana are very real to water rights owners who are subject to water shortages caused by unbridled use of exempt wells.

Please don't hesitate to contact me at lziemer@tu.org or (406) 522-7695 if I can answer any questions or otherwise clarify Trout Unlimited's comments.

Yours truly,



Laura Ziemer

From: Sue Wall
To: Mohr, Jason
Subject: Water Supply Comments
Date: Wednesday, August 10, 2016 12:55:02 PM

Hello -

I am writing in response to the proposed bills regarding Montana's groundwater. I am a professional wetland scientist and am very concerned about protecting our surface and groundwater. Groundwater is incredibly important for sustaining natural ecosystems. **I FAVOR LCwp20**, which treats our water responsibly and provides reasonable avenues for new growth. **I OPPOSE LCwp07**, which upholds an illegal rule, does not protect our water resources, is unfair, and harms senior water rights holders.

Sincerely

Susan Wall

From: Lois Walsh

To: Mohr, Jason

Subject: Water Supply Comments

Date: Wednesday, August 10, 2016 7:23:44 PM

I am vehemently against the state giving special interests the right to exploit our water resources. I am in **favor of LCwp20** which preserves this precious resource, and I am **against LCWP07** which upholds an illegal rule and does not protect our water resources.

Sincerely,

Lois Walsh

Missoula, MT

From: vj

To: Mohr, Jason

Subject: WATER SUPPLY COMMENTS

Date: Wednesday, August 10, 2016 2:43:07 PM

Water Policy Interim Committee

We need to protect current water users from incremental, cumulative loss of water to exempt wells in subdivisions and other large industrial projects.

Hence I urge WPIC to support LCwp20 which limits the use of exempt wells and requires a

new water use permit for projects or developments that exceed the threshold amount of water use.

I urge WPIC to oppose LCwp07 which does not protect our water resources or the rights of senior water users.

Vicki Watson

509 Daly

Missoula, MT 59801

From: GA WA
To: Mohr, Jason
Subject: Water rights legislation
Date: Saturday, August 13, 2016 1:10:09 PM

My name is Gail Watson-Fulsaas, 1105 Montford Rd., Kalispell. I live within 2 miles from a

proposed water bottling facility that will negatively impact my well, and in time, my surface

water rights from Egan Slough (spring fed). In light of my and my neighbors' present plight,

I would ask:

1. WPIC support legislation (LCwp20) to close exempt well loopholes - especially pertaining

to large developments with multiple lots trying to avoid securing water use permits.

2. In regards to significant ground water extraction wells for water bottling plants: Please ensure legislation that does not permit for a written waiver waiving ANY adverser effects on

existing water rights (see above - I'm NOT looking forward to paying \$10-15,000 to drill a

new well . . .).

3. And please support legislation to not allow for any approval of a water rights permit or change of same for ground water extraction for a proposed water bottling plant in the state

until further study is done on this issue.

Thanks,

Gail A Watson-Fulsaas

From: Dwight Young

To: Mohr, Jason

Subject: Water Supply Comments

Date: Wednesday, August 10, 2016 1:05:46 PM

The time has come to stop putting our precious water resources at risk just to satisfy the reckless desires of special interests who put their personal gain above the common good of all. Our groundwater is a finite resource and needs to be managed in a responsible way that ensures it will be sustained for future generations. I FAVOR LCwp20, which treats our water responsibly and provides reasonable avenues for new growth. I OPPOSE LCwp07, which upholds an illegal rule, does not protect our water resources, is unfair, and harms senior water rights holders.

I encourage the committee to vote for LCwp20 and vote down LCwp07

Regards,

Dwight W Young

1738 W Central Ave

Missoula, MT 59801

dyoung375@gmail.com

From: Adele Zimmerman
To: Mohr, Jason
Cc: Adele Zimmerman
Subject: Future of the Water Court comments
Date: Monday, August 15, 2016 3:10:45 PM

Dear Mr. Mohr,

This email is for the WPIC, asking for action on issues.

The first is a request for the WPIC to support legislation, LCwp20, to close the exempt well loophole that allows large proeprty developments to avoid getting new water rights permits when the projects would exceed established allowable water usage.

The second is a request for the WPIC to fully examine the impacts on water availability and the adverse effects on senior water rights holders by proposed large scale industrial water bottling companies, and not allow any waivers to such applicants for water usage for large scale industrial water bottling companies.

Thank you for the opportunity for me to express my concerns and requests.

Yours truly,

Adele Zimmerman

adelez@cyberport.net

460 Lake Loop Dr., Kalispell, MT 59901

406-755-4905

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